

SB0205S04 compared with SB0205S03

~~{deleted text}~~ shows text that was in SB0205S03 but was deleted in SB0205S04.

Inserted text shows text that was not in SB0205S03 but was inserted into SB0205S04.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Carol Spackman Moss proposes the following substitute bill:

INCARCERATION REPORTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill ~~{requires the Department of Corrections and county jails to report on}~~relates to in-custody deaths and alcohol and substance use treatment policies in county jails and the Department of Corrections.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Corrections and county jails to report to the Commission on Criminal and Juvenile Justice regarding:
 - in-custody inmate deaths;
 - treatment policies for inmates with a substance or alcohol addiction; and
 - medications dispensed to an inmate during incarceration;
- ▶ requires the Utah Substance Use and Mental Health Advisory Council to convene a

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- workgroup to study alcohol and substance use withdrawal in county jails; and
- ▶ requires the Commission on Criminal and Juvenile Justice ~~{to compile}~~ and the ~~{information reported and submit the compilation}~~ Utah Substance Use and Mental Health Advisory Council to report to the Law Enforcement and Criminal Justice Interim Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a repeal date.

Utah Code Sections Affected:

ENACTS:

17-22-32, Utah Code Annotated 1953

64-13-45, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-22-32** is enacted to read:

17-22-32. County jail reporting requirements.

(1) As used in this section:

(a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.

(ii) "In-custody death" includes an inmate death that occurs while the inmate is:

(A) being transported for medical care; or

(B) receiving medical care outside of a county jail.

(b) "Inmate" means an individual who is processed or booked into custody or housed in a county jail in the state.

(c) "Opiate" means the same as that term is defined in Section 58-37-2.

(2) So that the state may oversee the inmate ~~{healthcare}~~ health care system, a county jail shall submit a report to the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before August 1 of each year that includes:

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- (a) the number of in-custody deaths that occurred during the preceding calendar year;
- (b) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a);
- (c) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;
- (d) the county jail policies, procedures, and protocols:
 - (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates; and
 - (ii) relating to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
- (e) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The Commission on Criminal and Juvenile Justice shall:

- (a) compile the information from the reports described in Subsection (2);
- (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law; and
- (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

Section 2. Section **64-13-45** is enacted to read:

64-13-45. Department reporting requirements.

- (1) As used in this section:
 - (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of the department.
 - (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
 - (A) being transported for medical care; or
 - (B) receiving medical care outside of a correctional facility, other than a county jail.
 - (b) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.
 - (c) "Opiate" means the same as that term is defined in Section 58-37-2.
- (2) So that the state may oversee the inmate ~~{healthcare}~~health care system, the

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department shall submit a report to the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before August 1 of each year that includes:

- (a) the number of in-custody deaths that occurred during the preceding calendar year;
- (b) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a);
- (c) the department's policy for notifying an inmate's next of kin after the inmate's in-custody death;
- (d) the department policies, procedures, and protocols:
 - (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates; and
 - (ii) relating to the department's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
- (e) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The Commission on Criminal and Juvenile Justice shall:

- (a) compile the information from the reports described in Subsection (2);
- (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law; and
- (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

Section 3. Substance use in county jails study -- Creation -- Membership -- Duties.

(1) The Utah Substance Use and Mental Health Advisory Council shall convene a workgroup to study substance use treatment in county jails.

(2) The workgroup shall consist of individuals representing:

- (a) the Division of Substance Abuse and Mental Health within the Department of Human Services;
- (b) the Utah Sheriffs' Association;
- (c) the Statewide Association of Prosecutors of Utah;
- (d) the Utah Association of Counties;
- (e) a district attorney or a county attorney actively engaged in the practice of civil or

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constitutional law from:

(i) a county of the first class described in Section 17-50-501; and

(ii) one county of the second, third, fourth, fifth, or sixth class described in Section 17-50-501;

(f) the Department of Health;

(g) the Utah Association of Criminal Defense Lawyers;

(h) substance abuse treatment providers in Utah; and

(i) other stakeholders, as determined by the council.

(3) The workgroup shall identify:

(a) the number of deaths in county jails in the state after December 31, 2012, and before January 1, 2017;

(b) treatment and other resources available to an offender suffering from alcohol or substance use withdrawal in a county jail in the state; and

(c) other issues regarding substance use disorder related treatment in county jails in the state.

(4) The council shall present a report of the workgroup's findings, including any recommendations for legislation, to the Law Enforcement and Criminal Justice Interim Committee before November 30, 2018.

Section 4. **Repeal date.**

Uncodified Section 3, Substance Use in County Jails Study, is repealed November 30, 2018.